

REMARKS

Reconsideration of the application is requested.

Claims 8-14 remain in the application. Claims 8-14 are subject to examination.

Claims 12 and 14 have been amended.

An RCE has been concurrently filed with this response.

Under the heading "Claim Rejections – 35 USC§ 102" on page 2 of the above-identified Office Action, claims 12 and 13 have been rejected as being fully anticipated by U.S. Patent Publication No. 2004/0176992 to Santos et al. under 35 U.S.C. § 102.

Claim 12 has been amended to better define the invention. Support for the changes can be found by referring to the specification at paragraph 21 and to Figs. 10E-10H, and by referring to the specification at paragraph 29 and to Figs. 17A and 17B, for example.

Claim 12 now defines a step of presenting the statistically compiled actions in at least one browser simulation being displayed on a display.

Santos et al. do not teach displaying any type of browser simulation in order to present statistically compiled actions. Rather, Santos et al. teach that an electronic device called an agent 20 applies various types of behavior models 56 to a website 30 in order to determine how the website performs for different segments of website customers 34 (See paragraph 17). It is taught that a behavior model 56 causes the electronic agent 20 to perform one or more typical transactions that might be performed by website customers 34 that are within a particular segment (See paragraph 19).

It should be clear that the combined action of the behavior model 56 and the electronic agent 20 simulates the actions of a website customer 34, and that the behavior model 56 and the electronic agent 20 send commands to the web server that supports the website 30 being tested. The behavior model 56 is not used as a browser simulation being displayed on a display. The behavior model 56 does not send display elements to a display, but rather interacts with a web server that supports the website 30 being tested. The only simulation that is being performed is a simulation of the actions of website customers 34, and this simulation is manifested by sending electronic commands to the web server.

In contrast to the step of claim 12 that has been copied above, a browser is not being simulated on a display. Rather, it is the actions of the website customer 34 that are being simulated by the electronic commands being sent from the electronic agent 20 to the web server that supports the website 30 being tested.

The invention as now defined by claim 12 is not anticipated by the teaching in Santos et al.

Under the heading "Claim Rejections – 35 USC§ 103" on page 4 of the above-identified Office Action, claims 8-11 have been rejected as being obvious over U.S. Patent Publication No. 2003/0053420 to Duckett et al. in view of U.S. Patent Publication No. 2004/0176992 to Santos et al. and further in view of U.S. Patent Publication No. 2003/0061305 to Copley et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

The Examiner has stated that Duckett et al. do not teach the first three steps recited in claim 8. In this regard the Examiner has stated that "all three limitations were well known features in the art as evidenced by Santos and Copley" (See lines 2 and 3 on page 5 of the Office action).

Applicant will first discuss the teachings in Duckett et al. and Santos et al. Applicant does not agree that Santos et al. teach the first three steps recited in claim 8. Santos et al. merely teach that the website 30 may expressly request demographic and other personal data for each customer who accesses the website (See paragraph 27). There is no other specific teaching relating to how this data is obtained. Importantly, there is no teaching of a step of: after the content user has successfully entered the statistical information, returning to a first content screen including links to a plurality of content screens. Therefore

even if there were a suggestion to combine the teaching in Santos et al. with that of Duckett et al., the claimed invention could not have been obtained.

The Examiner then alleges that “one of ordinary skill in the art would have been motivated to modify Duckett’s tracking system in order to provide better website simulations based on user demographic information.” However, applicant believes the reason that Santos et al. obtains demographic data would not have provided any motivation for obtaining demographic data in the method taught by Duckett et al.

Applicant respectfully reminds the Examiner that the teaching in a prior art reference must be considered as a whole and that the teaching must be evaluated for what it would reasonably suggest to one of ordinary skill in the art.

Santos et al. teach using customer data that has been collected in order to create behavior models 56 that can be used to simulate the behavior of different segments of customers (See paragraph 14). A behavior model 56 causes the electronic agent 20 to perform one or more typical transactions that might be performed by website customers 34 that are within a particular customer segment classification (See paragraph 19). The performance of the website in performing these typical transactions due to the behavioral model 56 is then evaluated by the assessor 22 of the electronic agent 20 (See paragraph 21).

Ducket et al., however, are not concerned with using data to create some type of a model in order to perform transactions on a website and to then evaluate how well the website performed these transactions. Rather, Duckett et al. are concerned with simply monitoring the actual actions taken by a user and then using these actual actions of the user to evaluate website performance. Since Duckett et al. teach using the actual actions of the user and not a model, as taught by Santos et al., there would be no suggestion to obtain demographic data in order to create a model. Santos et al. do not teach any other reason for using such demographic data.

Additionally, the Examiner has alleged that "one of ordinary skill in the art would have been motivated to modify Duckett's tracking system in order to provide better website simulations based on user demographic information." In response to the Examiner's statement, applicant points out that Santos et al. teach that creating and using such behavioral models to evaluate website performance is better than using feedback that is obtained from customers relating to the performance of websites. Santos et al., however, do not teach that creating models enables a better evaluation of website performance than when using the actual actions of users as is taught by Duckett et al. Therefore, the motivation for combining the teachings that has been put forth by the Examiner does not appear to be valid. One of ordinary skill in the art considering the teaching in Santos et al. would not have obtained a suggestion to obtain demographic data to create a model rather than using the actual

actions of users as taught by Ducket et al. Applicant believes that the invention as defined by claim 8 is not suggested by the teachings in Ducket et al. and Santos et al.

Applicant will now discuss the teachings in Ducket et al. and Copley et al. Applicant again respectfully reminds the Examiner that the teaching in a prior art reference must be considered as a whole and that the teaching must be evaluated for what it would reasonably suggest to one of ordinary skill in the art.

Copley et al. teach obtaining demographic information from the user in order to generate a playlist of media files that will be sent to the user (See paragraphs 46 and 41). The teaching in Ducket et al., however, does not in any way relate to generating a playlist of media files, but rather teaches that the actual actions of website users are supplied to a web server in order to evaluate the performance of a website supported on the web server. The specific teaching in Copley et al., which relates to generating a playlist of media files, would not have provided any suggestion to obtain and use demographic data in the system of Ducket et al. There is simply no reason to use demographic data to generate a playlist in the system of Ducket et al. Copley et al. do not teach or suggest using demographic data for any other purpose. Applicant believes that the invention as defined by claim 8 is not suggested by the teachings in Ducket et al. and Copley et al.

Under the heading "Claim Rejections – 35 USC§ 103" on page 7 of the above-identified Office Action, claim 14 has been rejected as being obvious over U.S. Patent Publication No. 2004/0176992 to Santos et al. in view of U.S. Patent No. 6,877,007 to Hentzel et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

Claim 14 has been amended to use the language "configured to" has been used instead of "capable of". Claim 14 now defines a behavior organization module coupled with said data storage, said behavior organization module configured to retrieve selected recordings from said recording and compile data representative of at least some of the visitors' browser behavior, wherein said behavior organization module uses at least one criteria to select the selected recordings. Support for these changes is inherent in the claim as originally presented. These claim changes are not referenced in the argument below.

Claim 14 has also been amended in an attempt to even further emphasize the display. Support for the changes can be found by referring to claim 14 as originally presented. If the Examiner desires, additional support can be found by referring to the specification at paragraph 21 and to Figs. 10E-10H, and by referring to the specification at paragraph 29 and to Figs. 17A and 17B, for example.

Claim 14 now defines a browser simulator configured to take data from said behavior organization module and to display a browser simulation based on

said compiled data representing the browser behavior of at least some of the plurality of visitors.

In contrast to the step of claim 14 that has been copied above, Santos et al. do not teach displaying a browser simulation based on compiled data representing the browser behavior of at least some of a plurality of visitors. Rather, Santos et al. teach that an electronic device called an agent 20 applies various types of behavior models 56 to a website 30 in order to determine how the website performs for different segments of website customers 34 (See paragraph 17). It is taught that a behavior model 56 causes the electronic agent 20 to perform one or more typical transactions that might be performed by website customers 34 that are within a particular segment (See paragraph 19).

It should be clear that the combined action of the behavior model 56 and the electronic agent 20 simulates the actions of a website customer 34, and that the behavior model 56 and the electronic agent 20 send commands to the web server that supports the website 30 being tested. The behavior model 56 is not used as a browser simulation being displayed on a display. The behavior model 56 does not send display elements to a display, but rather interacts with a web server that supports the website 30 being tested. The only simulation that is being performed is a simulation of the actions of website customers 34, and this simulation is manifested by sending electronic commands to the web server.

In contrast to the invention as defined by claim 14, Santos et al. teaches simulating the actions of the website customer 34 by sending electronic commands from the electronic agent 20 to the web server that supports the website 30 being tested. Santos et al. do not teach displaying a browser simulation based on compiled data representing the browser behavior of at least some of a plurality of visitors.

Even if Hentzel et al. did teach an event termination module as alleged by the Examiner, and even if one would have obtained a suggestion to incorporate such an event termination module into the teaching of Santos et al. as alleged by the Examiner, the invention as now defined by claim 14 could not have been suggested because of the deficiencies in the teaching of Santos et al. that have been discussed above.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 8, 12, or 14. Claims 8, 12, and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 8 or 12.

In view of the foregoing, reconsideration and allowance of claims 8-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$490.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

Respectfully submitted,

/Mark P. Weichselbaum/
Mark P. Weichselbaum
(Reg. No. 43,248)

MPW:cgm

February 18, 2009

Lerner Greenberg Stermer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101